

ORDINANCE NO. 3100

AN ORDINANCE ADOPTING NEW CHAPTER 507 ENTITLED “POLICE AND FIRE CIVIL CITATIONS”, SECTION 507.01 “POLICE CIVIL CITATIONS”, SECTION 507.02 “POLICE CIVIL CITATION FINE”, SECTION 507.03 “FIRE CIVIL CITATIONS”, SECTION 507.04 “FIRE CIVIL CITATION FINE”, SECTION 507.05 “NOTICE OF POLICE AND FIRE CIVIL OFFENSE AND CIVIL FINE; PROCEDURES”, SECTION 507.06 “ANSWER TO NOTICE OF POLICE OR FIRE CIVIL OFFENSE”, SECTION 507.07 “HEARINGS”, SECTION 507.08 “DEFAULT”, SECTION 507.09 “CIVIL PROCEEDINGS”, SECTION 507.10 “ADMINISTRATIVE REGULATIONS”, SECTION 507.11 “FREEDOM FROM IMPROPER INFLUENCE”, SECTION 507.12 “EX PARTE COMMUNICATIONS PROHIBITED”, SECTION 507.13 “DEFINITION OF PERSON” AND SECTION 507.14 “SAVINGS”, OF THE OXFORD CODE OF ORDINANCES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION I:

Council hereby adopts new Chapter 507, Section 507.01 “Police Civil Citations”, Section 507.02 “Police Civil Citation Fine”, Section 507.03 “Fire Civil Citations”, Section 507.04 “Fire Civil Citation Fine”, Section 507.05 “Notice of Police and Fire Civil Offense and Civil Fine; Procedures”, Section 507.06 “Answer to Notice of Police or Fire Civil Offense”, Section 507.07 “Hearings”, Section 507.08 “Default”, Section 507.09 “Civil Proceedings”, Section 507.10 “Administrative Regulations”, Section 507.11 “Freedom From Improper Influence”, Section 507.12 “Ex Parte Communications Prohibited”, Section 507.13 “Definition of Person” and Section 507.14 “Savings”, of the Oxford Code of Ordinances to read as follows:

Chapter 507. POLICE AND FIRE CIVIL CITATIONS

SECTION 507.01 POLICE CIVIL CITATIONS

(a) A person who violates a standard of conduct set forth in a section or chapter of the Oxford Codified Ordinances listed below is liable for the civil fine specified in Section 507.02.

- * 311.03 Toy Vehicles on Streets
- * 311.04 Use of Streets for Amusement, Play or Sports
- * 313.05 Pedestrian Control Signal
- * 331.12C U-turns Restricted
- * 331.42A&B Littering from Motor Vehicle
- * 331.43A Wearing Earplugs or Earphones Prohibited
- * 335.09A Display of License Plates
- * 335.10 Expired Plates

- * 337 Section Safety and Equipment
- * 339.08C Loads Dropping or Leaking, Removal Required Tracking Mud
- * 371.01B Right of Way in Crosswalk (Pedestrian Action Creating Hazard)
- * 371.03A,C,D Crossing Roadway Outside of Crosswalk, Diagonal Crossings at Intersections
- * 373.06A Lights & Reflectors on Bicycles; Brakes
- * 373.07A Riding Bicycles on Right Side of Roadway; Obedience to Traffic Rules; Passing
- * 373.08 Bicycle Riding; Rollerblading and Skateboarding Riding Regulations
- * 373.11A Paths Exclusively for Bicycles
- * 505.01A-D Dogs and Other Animals Running at Large
- * 505.03 Annual Registration of Dogs
- * 505.09A Barking or Howling Dogs
- * 505.15A1,2,3 Dog Nuisances
- * 521.01 Abandoned Refrigerators and Airtight Containers
- * 521.08A,B Littering or Allowing Litter to Remain on Property
- * 521.12A Outdoor Furniture Restriction
- * 729.03 Door to Door Solicitation Prohibited
- * 1151.04 Signs on Public Property
- * 1519.04 Fireworks – Possession, Sale or Discharge Prohibited

(b) A City officer or employee of the Oxford Police Department or Public Safety Assistant charged with the enforcement of the Oxford Codified Ordinances may as authorized issue a civil citation, a uniformed traffic citation or a misdemeanor citation for a violation of any section listed in this Section, depending on the type of offense and the totality of the circumstances.

SECTION 507.02 POLICE CIVIL CITATION FINE.

The civil fine for the civil offenses listed in Section 507.01 are:

<u>Initial Civil Fine</u>	<u>If Delinquent</u>	<u>If Sent for Collection</u>
(60)	(120)	(180)

Neither the City of Oxford, the State of Ohio, the United States Government, nor any city, federal or state agency or political subdivision is liable for a civil fine imposed pursuant to this Chapter.

SECTION 507.03 FIRE CIVIL CITATIONS

(a) A person who violates a standard of conduct set forth in a section or chapter of the Ohio Fire Code listed below is liable for the civil fine specified in Section 507.04.

- * 107.6 Overcrowding
- * 110 Unsafe Buildings

- * 308.3.8 Open Flame in Group R-2 Dormitories
- * 901.8 Removal of or tampering with equipment
- * 1028.2 Reliability of required exits
- * Rule 33 Explosives and fireworks

(b) A City officer or employee of the Oxford Fire Department charged with the enforcement of the Oxford Codified Ordinances may as authorized issue a civil citation or a misdemeanor citation for a violation of any section listed in this Section.

SECTION 507.04 FIRE CIVIL CITATION FINE.

The civil fine for the civil offenses listed in Section 507.03 are:

<u>Initial Civil Fine</u>	<u>If Delinquent</u>	<u>If Sent for Collection</u>
(500)	(1000)	(1250)

Neither the City of Oxford, the State of Ohio, the United States Government, nor any city, federal or state agency or political subdivision is liable for a civil fine imposed pursuant to this Chapter.

SECTION 507.05 NOTICE OF POLICE AND FIRE CIVIL OFFENSE AND CIVIL FINE; PROCEDURES.

(a) A City officer or employee charged with the enforcement of the Oxford Codified Ordinances may issue a notice of civil offense and civil fine to a person found to have committed a civil offense.

(b) A notice of a civil offense and civil fine must advise the person served:

(1) Unless a written answer is filed or the civil fine paid within 10 days from the date of the notice, fine will double;

(2) That a hearing will be held if requested;

(3) That failure to appear at a requested hearing will be considered an admission of the civil offense;

(4) That all available collection remedies and costs of collection will be pursued in the event the civil fine and delinquent charges are not paid;

(c) A notice of civil citation and civil fine:

(1) Must state the date that the notice is issued;

(2) Must identify the person being charged if known to the issuing officer or employee, or alternatively describe the vehicle, object or property that is the location or object giving rise to the civil citation;

(3) Must indicate the offense charged, the civil fine for the offense and the date, time and location of the offense charges;

(4) Must be signed and attested to by the issuing officer or employee;

(5) If the person charged is present, the issuing officer or employee shall personally serve the person charged with a copy of the notice;

(d) The following shall apply to all residential property to be used as rental property in the City of Oxford:

(1) Rental property owners shall designate an individual to be contacted by the City in the event of civil citation. This may be the property owner or a designated local agent; and,

(2) Rental property owners who desire to designate an agent must record the agent's telephone number and email (if any) with the City. If no agent is designated the rental property owner shall be the designated contact person.

(e) The issuing officer or employee must serve the notice of civil offense and civil fine in one of the following manners:

(1) Notice may be served personally on the offender;

(2) If the notice involves a civil citation which occurred on or immediately adjacent to the real property owned, occupied or controlled by the person being charged, the notice may be constructively served by posting a copy of the notice in a conspicuous location on the real property and by mailing a copy of the notice to said person by First Class U.S. Mail; or

(3) If the notice relates to an offense involving a motor vehicle, the notice may be constructively served by posting a copy of the notice on the motor vehicle and by mailing a copy of the notice to the person responsible for the offense by First Class U.S. Mail.

SECTION 507.06 ANSWER TO NOTICE OF POLICE OR FIRE CIVIL OFFENSE.

(a) A person served with a notice of a police or fire civil offense may file a request for a hearing. The request may be delivered in person or mailed to the City. A request for a hearing must be filed within ten (10) days from the date of the notice.

SECTION 507.07 HEARINGS.

- (a) A person who denies the commission of a police or fire civil offense may request a hearing before a hearing examiner. The request shall be filed with Safety Department's Office of Administrative Hearings, which shall set a date for the hearing and notify the person, in writing, of the date, time and location of the hearing. The hearing will be informal, but all testimony shall be under oath.
- (b) All hearings shall be scheduled within ten (10) days and will be held at the next regularly scheduled hearing date not less than 10 days after the date scheduled. Any hearing date may be modified if such modification is requested by the person charged and approved by the hearing examiner. The request can be made at the onset of the hearing, or prior to the hearing by submitting a *Request for Hearing Continuance* to the Safety Department's Office of Administrative Hearings.
- (c) The hearing examiner shall enter into the record of the proceedings the notice of the police or fire civil offense and civil fine, the filing of or failure to file an answer, the substance of the answer, a finding of liability, the civil fine due, payments, delinquency and collection charges, and other relevant information.
- (d) The hearing examiner shall issue a decision and make findings of fact from the record and conclusions of law in support of the decision at the conclusion of the hearing. The findings and conclusions shall demonstrate that the decision is consistent with applicable laws, ordinances, regulations and the interest of justice. Any unpaid civil fine is due and must be paid within ten (10) days after the date of the hearing examiner's decision.

SECTION 507.08 DEFAULT

A person who is personally or constructively served with notice of a police or fire civil offense and civil fine and fails to answer within the time provided by this Chapter, or fails to attend a requested hearing, the person is in default, and the civil fine deemed delinquent. The amount due is as specified by this Chapter for the offense charged.

SECTION 507.09 CIVIL PROCEEDINGS.

Whenever an officer charged with the enforcement of the Oxford Codified Ordinances is satisfied that a provision that officer is charged to enforce, or a law in force in the City applicable to the same subject matter, has been violated or is about to be violated, or that an order or direction made in pursuance of the enforcement of this Chapter has not been complied with, or is being disregarded, and whenever that officer is satisfied that civil proceedings are necessary for the enforcement of the Oxford Codified Ordinances or laws, to restrain violations thereof, that officer may apply to the Law Director, who is authorized to institute civil proceedings. Civil proceedings may be brought in the name of the City, and may include, among other things, claims for

injunction, mandatory relief, restraining orders, damages, the appointment of a receiver, and such other relief as may be allowed in law or equity. Institution of civil proceedings does not exclude criminal proceedings as authorized by the Oxford Codified Ordinances or charging a person with a civil offense as authorized by this Chapter.

SECTION 507.10 ADMINISTRATIVE REGULATIONS.

The City Manager may adopt administrative regulations for the conduct of hearings and for the enforcement of the Oxford Codified Ordinances through the issuance of notices of civil offenses.

SECTION 507.11 FREEDOM FROM IMPROPER INFLUENCE.

- (a) No member of Council, member of the City administration, party to any proceedings before a hearing examiner, or any other person shall interfere with, attempt to interfere with, or improperly influence or attempt to improperly influence a hearing examiner in the performance of the duties of office.
- (b) An examiner may not conduct or participate in any hearing or decision in which the examiner or any of the following persons has a direct or substantial financial interest: a spouse, brother, sister, child, parent, or in-law of the examiner, or business firm or organization in which the examiner has a substantial interest. The examiner shall promptly report to the City Manager any attempt at interference or improper influence or any actual or potential conflict prior to such hearing.
- (c) Wherever it may be shown to the satisfaction of the city manager that an examiner was subjected to improper influence, interference or interest, such improper influence, interference or interest shall be grounds for vacating any decision made by the examiner in such proceedings.

SECTION 507.12 EX PARTE COMMUNICATIONS PROHIBITED.

A person may not communicate with a hearing examiner to influence a decision in a matter pending before an examiner other than at a public hearing or in a writing that is made part of the record of the proceeding. This provision shall not prohibit communication between an examiner and any member of the administration assigned to assist or give legal counsel to the examiner in the pending proceeding.

SECTION 507.13 DEFINITION OF PERSON.

“Person” includes an individual, entity, corporation, business trust, estate, trust, partnership, and association.

SECTION 507.14 SAVINGS.

This Chapter does not affect any act done or committed in violation of any former ordinance relating to the same subject, or any suit or proceeding now pending in court for the violation of the provisions of any former ordinance, or any cause or causes of action accrued or existing under such ordinance, but all proceedings or prosecutions now pending shall be conducted to final determination irrespective of this Chapter.

SECTION II: This ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED: December 15, 2009

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)